

NINETEENTH DAY
(Thursday, February 21, 1991)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow.

A quorum was announced present.

The Reverend Dr. Ned Benson, First Presbyterian Church, Austin, offered the invocation as follows:

God of all power and might, maker and ruler of all people: we commend to Your safekeeping this day the men and women who serve under our nation's arms and in harm's way in wild and desert places. Preserve and protect them from physical injury, and from that hatred of those who oppose them which corrodes the soul and corrupts the spirit. Though they must fight, grant that they, and we, may be preserved from an embittered heart. And speed swiftly, O God, that day when all nations shall beat their swords into plowshares and their spears into pruning hooks, and all Your children shall dwell securely, every one sheltered beneath their own vine and under their own fig tree.

We also commend today our beloved Texas to the guidance of Your wisdom and to the keeping of Your love. Grant, great God, that those whom the people have chosen to serve them, may serve You in honesty of purpose and uprightness of life. Grant that they may be always mindful of their accountability to the people who have elected them, and to their people's God. Deliver them from love of power for private purpose and from undue pursuit of personal gain; from considerations of person or money in place of the demands of truth and justice; and from losing patriotism in partisanship. Bless all who hold public office, especially Your servants George Bush, our President, Ann Richards, our Governor, Bob Bullock, who presides here, and all who sit in this Senate, with an ever larger vision of the truth and an ever deeper sense of the demands of righteousness, that through their faithfulness the life of all Texans may be guided by wise policies, and lifted to higher ideals and nobler achievements; through Jesus Christ our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of death in the family on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
February 21, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 5, Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

S.C.R. 32, In memory of the Honorable Woodrow Seals.

S.C.R. 33, Commending Mrs. Bea Ramirez Svampera and her students on their excellent contribution to the preservation of the history of Texas.

S.C.R. 37, Extending a Texas-size thank you to the City of Pasadena on winning the Mayor's Trophy for their float in the Tournament of Roses Parade on New Year's Day 1991, in Pasadena, California.

H.C.R. 55, Honoring the United Way's "Youth at Risk" program and celebrating the gala opening of the Mall of the Mainland.

H.C.R. 58, Honoring Ray Silva and radio station KMXO.

H.C.R. 74, Recognizing September 15-21, 1991, as Community Banking Week in Texas.

H.C.R. 75, Honoring Ty Detmer.

S.C.R. 45, Congratulating Dr. and Mrs. William A. Webb upon the occasion of their retirement.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

Senator Turner was recognized and presented Dr. Wilford Morris of Sealy as the "Doctor for the Day."

The Senate welcomed Dr. Morris and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

REPORTS OF STANDING COMMITTEES

Senator Sims submitted the following report for the Committee on Natural Resources:

S.B. 254

C.S.S.B. 100

Senator Zaffirini, Acting Chair, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 181

Senator Dickson submitted the following report for the Committee on Economic Development:

S.C.R. 8

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

- S.B. 2** by Parker, Montford Economic Development
Subcommittee on Insurance
Relating to the regulation of the insurance industry and to the punishment for certain criminal offenses relating to the business of insurance and creating certain offenses.
- S.B. 4** by Montford, Parker Economic Development
Subcommittee on Insurance
Relating to the prosecution of and punishment for certain criminal offenses involving theft, misapplication of fiduciary or other property, tampering with or fabricating physical evidence, bribery and corrupt influence, tampering with a governmental record, or violations of state insurance law.
- S.B. 530** by Zaffirini Jurisprudence
Relating to the creation of a judicial district composed of Starr County.
- S.B. 531** by Moncrief Economic Development
Relating to the prohibition of sales transactions in which a price discount is offered or provided to a buyer who pays by cash instead of by credit card.
- S.B. 532** by Ellis Education
Relating to securing criminal history record information for the employees of public school districts.
- S.B. 533** by Ellis Criminal Justice
Relating to increasing the fine for certain Class C misdemeanors and to the jurisdiction of county, justice, and municipal courts.
- S.B. 534** by Ellis Criminal Justice
Relating to the punishment and sentencing of a defendant who uses a firearm during the commission of a felony or during immediate flight after the commission of the felony.
- S.B. 535** by Ellis Criminal Justice
Relating to the liability of a person who manufactures or delivers certain illegal substances for damages arising from the use of the substances.
- S.B. 536** by Ellis Criminal Justice
Relating to the creation of an offense involving certain sales of tickets to events; providing a penalty.
- S.B. 537** by Ellis Criminal Justice
Relating to the taking of blood specimens of persons suspected of driving while intoxicated on the request or order of a peace officer.
- S.B. 538** by Ellis Criminal Justice
Relating to the denial, suspension, or revocation of a license or permit for the retail sale of alcoholic beverages.
- S.B. 539** by Ellis Criminal Justice
Relating to the right of a victim of a criminal offense to be present during certain criminal proceedings concerning the offense.
- S.B. 540** by Ellis Criminal Justice
Relating to the eligibility for parole for persons convicted of sexual assault involving a child or of injury to a child, elderly individual, or invalid individual.

S.B. 541 by Tejeda Intergovernmental Relations
Subcommittee on Urban Affairs
Relating to the compensation of certain statutory probate court judges.

S.B. 542 by Tejeda Jurisprudence
Relating to statutory probate courts.

S.B. 543 by Henderson State Affairs
Relating to the continuation, functions, and operations of the Texas National Research Laboratory Commission.

S.B. 544 by Henderson Economic Development
Relating to the continuation and operation of the Texas Board of Irrigators.

S.B. 545 by Henderson Economic Development
Relating to the continuation and operation of the Texas Board of Professional Land Surveying; providing penalties.

S.B. 547 by Brooks Health and Human Services
Relating to the authority of certain counties to abate public nuisances.

S.B. 548 by Harris of Tarrant Economic Development
Relating to the examination of and disciplinary actions against state banks.

ANNIVERSARY ANNOUNCEMENT

Upon recognition, Senator Moncrief announced that today was the 23rd wedding anniversary of Senator Lucio.

The Senatc extended a hearty congratulations to Senator Lucio.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 35
S.C.R. 44

COMMITTEE SUBSTITUTE SENATE BILL 115 ON SECOND READING

Senator Leedom moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 115** be taken up for consideration at this time:

C.S.S.B. 115, Relating to commissioning as peace officers security officers who protect persons and property at housing authorities.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 115 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 115** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Armbrister.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Henderson, Rosson.

Absent-excused: Glasgow.

SENATE BILL 144 ON SECOND READING

Senator Green moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 144** be taken up for consideration at this time:

S.B. 144, Relating to the regulation of wild animals in a county with a population of 2.4 million or more.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 144 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 144** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

(Senator Dickson in Chair)

SENATE BILL 404 ON SECOND READING

Senator Brooks moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 404** be taken up for consideration at this time:

S.B. 404, Relating to conforming the Health and Safety Code to certain Acts of the 71st Legislature, to nonsubstantively codifying in that code certain related health and safety laws, to making corrective changes in that code, and to making conforming changes to other laws involving health and safety matters.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend S.B. 404 as follows:

(1) In Section 65 of the bill, in the added Subsection (b) of Section 222.043 (page 107, line 4), strike "bureau" and substitute "associateship".

(2) Strike Section 86 of the bill (page 120, line 11, through page 121, line 6) and substitute the following:

SECTION 86. Section 241.055, Health and Safety Code, is amended to conform to Section 8, Chapter 1027 (H.B. 18), Acts of the 71st Legislature, Regular Session, 1989, to read as follows:

Sec. 241.055. CIVIL PENALTY. (a) A hospital shall:

(1) ~~[that does not]~~ timely adopt, implement, and enforce a patient transfer policy in accordance with Section [Sections] 241.027; and

(2) implement patient transfer agreements in accordance with Section 241.028 or comply with rules adopted under Section 241.029.

(b) A hospital that violates Subsection (a) is liable for a civil penalty of not more than \$1,000 for each day of violation and for each act of violation.

(c) [(b)] In determining the amount of the penalty, the district court shall consider:

(1) the hospital's previous violations;

(2) the seriousness of the violation;

(3) whether the health and safety of the public was threatened by the violation; and

(4) the demonstrated good faith of the hospital.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 404 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 404 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 253 ON SECOND READING

Senator Leedom moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 253 be taken up for consideration at this time:

S.B. 253, Relating to the Texas Youth Camp Safety and Health Act; amending Chapter 141, Health and Safety Code; providing for renewal fees; the equalizing of license fees; providing administrative penalties; and declaring an emergency.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 253 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 253 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 376 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 376 be taken up for consideration at this time:

S.B. 376, Relating to the creation of a development corporation by certain cities and to the levy of a municipal sales and use tax for the corporation.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 376 ON THIRD READING

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 187 ON SECOND READING**

Senator Green moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 187 be taken up for consideration at this time:

C.S.S.B. 187, Relating to the humane destruction of confiscated animals determined to be a threat to public health and safety.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Amend C.S.S.B. 187 by inserting after line 16 the following:

(2) The court may order an animal which is offered for public sale or given to an animal shelter, pound, or society to be neutered or spayed with the cost paid by the receiving party.

Renumber the subsequent sections appropriately.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 187 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

CONGRATULATORY RESOLUTIONS

H.C.R. 55 - (Brooks): Honoring the United Way's "Youth at Risk" program and celebrating the gala opening of the Mall of the Mainland.

H.C.R. 56 - (Brooks): Declaring February 7, 1991, as Daughters of the Republic of Texas Centennial Day at the Capitol.

H.C.R. 74 - (Armbrister): Recognizing September 15-21, 1991, as Community Banking Week in Texas.

S.C.R. 47 - By Zaffirini, Leedom: Endorsing the Bill of Responsibilities of the Freedom Foundation at Valley Forge.

S.R. 214 - By Barrientos: Recognizing Paul F. Roth who is retiring from his position as President of the Texas Division of Southwestern Bell Telephone Company.

S.R. 231 - By Carriker: Granting permission to the Texas YMCA Youth and Government Program to use the Senate and House Chambers of the State Capitol.

S.R. 232 - By Barrientos: Extending congratulations to Teresa and Genaro Esparza on the occasion of their 66th wedding anniversary.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:18 a.m. adjourned until 2:00 p.m., Monday, February 25, 1991.

**TWENTIETH DAY
(Monday, February 25, 1991)**

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley,